

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUAN PLAZA,

Plaintiff,

-v.-

COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

21 Civ. 08763 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

Plaintiff Juan Plaza brings this action pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking judicial review of a determination by the Commissioner of Social Security (the “Commissioner”) that he is not entitled to supplemental security income benefits. Both parties have moved for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). On April 3, 2023, Magistrate Judge Gary R. Jones issued a Report and Recommendation, which recommends that the Court grant Plaza’s motion, deny the Commissioner’s motion, and remand to the Commissioner for further proceedings. ECF No. 36. On April 26, 2023, the Commissioner filed objections to the Report. ECF No. 39.

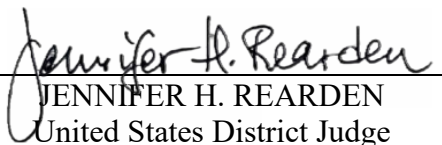
Upon consideration of the Report and Recommendation, as well as the parties’ written submissions, the Court adopts the Report’s recommendations in full. Plaza’s motion for judgment on the pleadings is GRANTED (ECF No. 26), the Commissioner’s cross-motion for judgment on the pleadings is DENIED (ECF No. 31), and this case is remanded to the Commissioner for the calculation of benefits.

An opinion setting forth the reasons for this ruling will issue.

The Clerk of Court is directed to terminate ECF Nos. 26 and 31.

SO ORDERED.

Dated: September 30, 2023  
New York, New York

  
JENNIFER H. REARDEN  
United States District Judge